

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Malcolm M. Smith  
Serial No: 09/752,876  
Date Filed: December 28, 2000  
Confirmation No. 9414  
Group Art Unit: 2616  
Examiner: Clemence S. Han  
Title: DISTRIBUTION OF PACKETS TO FOREIGN  
AGENTS USING MULTICAST PROTOCOLS

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The following Pre-Appeal Brief Request for Review (“Request”) is filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 (“OG Notice”). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicants respectfully request reconsideration of the Application in light of the remarks set forth below.

**REMARKS**

Applicant requests review of the rejections to the Application outstanding in the Final Office Action transmitted November 16, 2007 (“*Final Office Action*”) and the Advisory Action dated February 7, 2008 (“*Advisory Action*”). Claims 1-3, 5-12, 14-20, 22, 23, 25-31 and 33-37 are pending in the Application and are all rejected. Applicant respectfully requests review of the rejections under 35 U.S.C. § 102 and favorable action in this case.

**I. Rejections under 35 U.S.C. § 102(e)**

The *Office Action* rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,804,221 issued to Magret, et al. (“*Magret*”). Applicant respectfully traverses this rejection and submits that *Magret* does not describe, expressly or inherently, each and every limitation of the claims.

Consider Applicant’s independent Claim 1, which recites:

A system for distributing packets for communication to a mobile unit comprising:

a mobile unit having a device identifier and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier;

a mobility manager operable to determine a multicast address for the mobile unit based on the device identifier, to receive multicast address requests that include the device identifier, and to communicate the multicast address responsive to the multicast address requests;

a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address; and

a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

Among other aspects, *Magret* fails to describe “a home agent operable to receive IP packets addressed to the mobile unit . . . [and] to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address,” as required by Claim 1.

As teaching the claimed “home agent,” the *Office Action* points to a home agent 240, a mobile access router (MAR) 230, and column 13, lines 50-53, 58-60, and 63-64, of *Magret*.

*Office Action*, pp. 2-3. In the cited portion, *Magret* teaches that home agent 240 captures packets addressed to a mobile node and tunnels those packets to the mobile node's care of address, which "corresponds to the [foreign domain's] MAR's 230 IP address." *Magret*, col. 13, ll. 50-54. The foreign domain's mobile access router (MAR) 230 receives those packets and sends them to a multicast group 260 assigned to the mobile node. *Id.* at col. 13, ll. 54-64. In the *Office Action*, the Examiner also explains that "*Magret* teaches MAR 230 can act as a home agent." *Office Action*, p. 7. On the contrary, *Magret* merely teaches that "when the mobile node 200 moves within the home wireless domain, . . . the MAR acts as a virtual home agent 340 for the mobile node 200." *Magret*, col. 15, ll. 11-12. Accordingly, neither the home agent 240 nor the MAR 230 teach "a home agent operable to [both] receive IP packets addressed to the mobile unit . . . [and] to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address," as Claim 1 requires.

Thus, *Magret* does not describe, expressly or inherently, each and every limitation required by Claim 1. Independent Claims 6, 14, 22, and 25 include limitations that, for substantially similar reasons, are not taught by *Magret*. Because *Magret* does not disclose, expressly or inherently, every element of independent Claims 1, 6, 14, 22, and 25, Applicant respectfully submits that the rejection of Claims 1, 6, 14, 22, and 25 and their respective dependent claims contains clear factual and legal deficiencies.

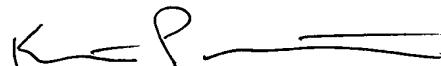
**CONCLUSION**

As the rejections of Claims contain clear deficiencies, Applicants respectfully request a finding of allowance of 1-3, 5-12, 14-20, 22, 23, 25-31 and 33-37. If the PTO deems that an interview is appropriate, Applicants would appreciate the opportunity for such an interview.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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Date: February 18, 2008

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